

REMARKS

DRAWINGS

The drawings were objected to as failing to comply with 37C.F. R.1.84 (p) (5) because they include the reference character “73” not mentioned in the specification. The specification has been amended to incorporate the “extensions 73” as shown above.

The drawings were further objected to under 37C.F. R.1.83(a) in that claims 9 and 23 recited the feature of “said electrical contacts are clips.” It was stated that this feature “must be shown or the feature(s) cancelled from the claims.” Claim 9 has been amended to remove the term “clips” and now recites that “said electrical contacts include extensions extending around the ends of said sidewall.” Claim 23 has been cancelled. From the foregoing it is believed clear that the drawings and the specification are now consistent and no new matter has been included. Thus no new drawings sheets should be required.

CLAIM OBJECTIONS

Claims 11 to 14 were objected to because in claim 11 it was stated that there was no clear antecedent basis for “said clothing.” This claim has been amended to change “said clothing” to “said apparel” which finds antecedent basis in the first line of the claim.

In claim 14 the description of a tubular housing as being rectangular in cross section was objected to. Claim 14 has been cancelled.

Claims 12 and 13 were objected to for the same reasons as Claims 11. Claim 12 has been cancelled herein, its subject matter having been incorporated into amended claim 11. Claim 13 should no longer be objected to since the objections to claim 11 has been addressed.

CLAIM REJECTIONS – 35 U.S.C. §102

Claims 1, 2, 4, 8 and 10 were rejected under 35 U.S.C. §102(b) as being anticipated by Anteby.

Claim 1 has been refined and now recites that the housing has “an elongated sidewall” and that the contacts are now “contacts spaced from each other longitudinally along the sidewall of said housing.” Anteby shows no such contact pins spaced as claimed. Nor is Anteby’s metal ball 26 anticipatory of applicant’s recited “elongated member of conducting material which “spans the distance between said contact pins.” Also the contacts 34 & 36 confine the ball 26 to a limited space.

Claim 1, as amended, is now believed to be allowable. Claims 4 and 8 are dependant upon claim 1 and are believed to be allowable also.

Claims 2 and 10 have been cancelled.

CLAIM REJECTIONS – 35 U.S.C.§103

In paragraph 8, the Examiner rejected claims 3 and 7 over Anteby in view of Park. Anteby, as noted by the examiner, does not disclose an angular switch housing. Park does show an angled housing 84. However, Park specifies in Column 3, lines 27-39 that the housing 36 shown in Figs 9 and 3

“is kept sufficiently small to prevent the rod from jamming open or closed.

(lines 37-39). The switch of Fig.9 is mounted as shown in Fig. 3 “in a diagonal position so that in Fig. 3 position, for example, the rod 86 will be away from the contacts 80 and 82 to keep the switch open.”

Anteby’s switch 84 in its design is specifically different from applicant’s invention as claimed in claim 7 (dependent upon claim 1), namely that the conductive member is “a bar of such length that said bar spans said contacts, even if one end of said bar contacts one of said end members.”

Park is distinguishable from applicant’s invention as defined by claim’s 3 and 7 in that it is for a stable table lamp with a switch in a predetermined position and orientation within the lamp housing, has two positions only of the lamp housing for the switch to work (90° movement) and specifies a small switch enclosure to prevent rod jamming. All is in direct contrast to the Applicant’s teachings which define a switch for lighted wearing apparel which will operate at any random movement of any angular orientation

and with a housing with end walls large enough for free movement of the contact bar. Given these differences, it is submitted that to combine the teaching of Anteby and Park would not teach the applicant's invention. Therefore, claims 1, 3 and 7 should be allowed.

Claims 5 and 9 were rejected over Anteby under 35 U.S.C.103(a). It is submitted that pins embedded in the side walls of the housing, longitudinally positioned as set forth in claim 5 as amended is believed to be clearly non obvious. None of these embodiments of Anteby, Figs. 2, 3, 4 or 5 meet these terms. None allow free movement of the contact balls 26 throughout an unobstructed housing interior. This feature prevents jammed switch closures. None show "extensions extending around the ends of said sidewall" as now specified in claim 9. Given these differences, it is submitted that claims 5 and 9 as amended should be allowed.

The Examiner in Paragraph 10, page 5 of the Office Action rejected claims 11-16, 18, 19 and 21-24 under 35U.S.C.103(a) over Anteby in view of Park.

All of the differences of Anteby and Park expressed above with respect to the rejection of claims 3 and 7 and 5 and 9 apply equally with respect to these of paragraph 10 and are respectfully requested to be applied here, as well.

Further, claim 11 as now amended specifies that the contact pins are
---"spaced along a line parallel to the axis of said generally tubular housing---"

This leaves the interior of the housing virtually unobstructed for free movement of the bar in all directions within the housing, see Figs. 5, 6.

The Examiner considered the differences in the shapes of contact and the switch closing member as mere engineering choice. It is submitted that the applicant has

achieved a switch and circuit design which in combination are truly non obvious, foolproof, inexpensive and reliable under totally uncontrolled conditions of footwear use by youngsters. The only link between the disclosures of Anteby and Park is found in the teachings of the applicant. Anteby lacks the several features of the applicant's claimed combination of:

- a. a conducting bar, e.g., a simple length of wire;
- b. an elongated tubular housing; and
- c. contacts through the sidewall.

To modify the two position responsive lamp and switch which calls for a small housing to prevent switch jamming would require one to go against the teaching of the applicant and would therefore contradict the obviousness of the invention as claimed.

Claim 15 as originally filed actually in its terms defines an operational feature over and above Park where it includes:

"a bar of electrical conducting material located within said housing, spaced from said contacts and of length at least sufficient to span the distance between said contacts even if one end of said bar is in contact with one of said end members, whereby movement of said switch causes said bar to bridge said contacts sending an electrical signal to said circuit and causing said light source to be illuminated."

Park's switch does not operate as claimed. Just "any movement of said switch" will not cause conductive rod 86 of Park to bridge contacts 80 and 82.

Park's entire switch has to be rotated 90° generally in one vertical plane only for an electrical signal to be produced. Claim 15 is believed to clearly define over Anteby in view of Park.

Pins and the claimed contacts are novel in the applicant's combination of claims 6 and 20 in that they provide the:

- a. Internal contact area for the bar
- b. the insulated conductor; and as
- c. the external electrical connection to the circuitry.

All three functions in one simple wire or flat clip is believed to be anything but obvious in a field where advances of fraction of a penny are important (children's shoes and clothing).

Claim 16 has been cancelled.

Claim 17, dependent upon claim 15, recites "a timing circuit connected between said switch and said light source for limiting the time during which said light source is illuminated following a single closure of said switch." Again, no such timing circuit is present in the references so based upon the novelty of Claim 15 claim 17 should be allowable. The patent to Wut has been cited as teaching a timing circuit, reference being to Col. 2, line 63, but no such timing circuit appears to be described.

Claim 18 has been cancelled.

Claim 19, dependent upon claim 15 defines the "contacts" as 'pins' and should be allowable with claim 15.

Claim 6 and 20 were considered allowable if rewritten to include the limitations of its head claim and any intervening claims. These claims have been rewritten as suggested and is now believed to be properly allowable.

Claim 21 has been amended to include the limitations of claim 22 and now states that the "housing and said contacts are configured such that said bar may rest against said contacts when said switch is at rest." No such configuration is taught or suggested in the cited references. Anteby's cylindrical or spherical housings do not allow a stable condition where ball 26 could remain against contacts 34,36. This claim applies to applicant's embodiment shown in Fig. 14 – 16 wherein the movable bar 90 may rest against pins 80 and 82 without energizing lamps 24, 26, 28 if counter circuit 56 has shut off. Thus the amended claim recites "a circuit...for limiting the duration of the illumination of light source following each closure of said switch." This combination is not shown in the cited reference and claim 21, as amended, is believed properly allowable.

Claim 17 has been distinguished above.

Claims 17 and 25 were rejected by the examiner under 35 U.S.C. 9102(a) over Anteby in view of Park as applied to claim 15 further in view of Wut.

The patentable distinctions of applicant's invention over Anteby and Park discussed above apply here as well.

Claim 25 was rejected under 35 U.S.C. §103(a) as unpatentable over Park in view of Wut (U.S. 5,408,764). Again the Examiner has cited Wut as disclosing a timing circuit connected between the power source and the light source for limiting the duration of the illumination of the light source following closure of the switch. Applicant has

found no such timing circuit in Wut. Absent such a timing circuit it is believed that claim 25 should be allowable. This recitation ties in with the description that the movable member may rest against said contacts when the contacts when the switch is at rest and can move first away and then against the contacts to cause said light source to be illuminated. Again, this refers to the embodiment of applicant's Figs. 14-16 where the movable member cannot close the circuit after the counter 56 has finished counting and has interrupted power to the LEDS 24, 26 and 28.

Additionally, the applicant finds no timing circuit to limit the time of illumination as suggested by the Examiner to be present in Column 2, lines 63 or any place in the Wut patent. A mere closing and opening of a switch is not a separate timing circuit. Therefore, Claims 17 and 25 should be allowed.

In all sincerity, more than mere engineering choice is involved in the design of the claimed switch. Claims 15, 16, 18 and 21-24 are believed to be allowable. Allowance is requested.

The prior art made of record and not relied upon has been reviewed with interest but is believed not to anticipate applicants namely 1, 3-9, 11, 13, 15, 17, 19-21 and 25 claims, or render them obvious over such art.

It is believed that the remaining claims are in condition for allowance and favorable action is requested, and passage of this application to issue.

Respectfully submitted,



Robert C. Smith

RCS:dl

Enclosure(s): Acknowledgement Postcard

2 Cover Sheets with Certificate of First Class Mailing

Amendment A

Request for Extension of time for response – 1 month

Check to cover extra independent claim. 1 extra independent claim \$100 plus. \$60.00, (\$160.00)